



STATE OF CONNECTICUT

DEPARTMENT OF MOTOR VEHICLES

60 State Street, Wethersfield, CT 06161

<http://ct.gov/dmv>



Testimony of Department of Motor Vehicles Commissioner Melody A. Currey

Government Administration and Elections Committee

March 21, 2011

S.B. No. 1188 (RAISED) AN ACT ESTABLISHING THE DIVISION OF ADMINISTRATIVE HEARINGS

Good morning Senator Slossberg, Representative Morin, Senator McLachlan and Representative Hwang and other members of the Government Administration and Elections Committee. Thank you for the opportunity to raise concerns about to the inclusion of the Department of Motor Vehicles in SB 1188. This legislation creates a Division of Administrative Hearings that will hear and decide contested cases that are currently under the jurisdiction of the Departments of Children and Families, Transportation, Consumer Protection, Motor Vehicles and the Commission on Human Rights and Opportunities, and brought under section 4-61dd(b). While DMV very much appreciates the intent behind this legislation, at this time DMV believes it would be counter-productive to include DMV given its current well-functioning process.

The Department of Motor Vehicles (DMV) has attached a report that elaborates on many of the points contained in this testimony. The major factors that warrant re-thinking the inclusion of the DMV in this bill are the following:

- **VOLUME OF HEARINGS-** The DMV holds six thousand (6,000) hearings per year. Every day of the week, the DMV has two or three full dockets in Wethersfield. Additionally, two days per week it holds hearings in each of three other locations- Bridgeport, Waterbury and Old Saybrook. Currently, DMV has a system in place through which it is able to complete adjudications cases, held in accordance with the Uniform Administrative Procedure Act, usually within 60 to 90 days, and administrative per se cases within 30 to 45 days. This high volume of cases is handled effectively through the use of part-time hearing officers and multiple hearing locations, as well as internal coordination among a number of different units within the agency. Hearing officers are attorneys whose only function at the DMV is to hear and decide contested cases.
- **STATUTORY TIME LIMITATIONS-** Four thousand five hundred (4,500) of the six thousand (6,000) hearings held at DMV last year were required to be completed within 30 days of the arrest of the operator for DUI under section 14-227b. During this 30 day period, the DMV: enters the arrest information into the system; sends license suspension notices; schedules hearings; holds hearings; issues decisions; notifies the operator of the hearing result; enters the result into the system; and takes the appropriate licensing action. One fifteen (15) day period may be added to this timeline in the event that an operator requests a continuance.

- **PRODUCTIVITY-** All adjudications cases require witnesses from other Divisions within the DMV. Under the proposed Division of Administrative Hearings, DMV personnel will be required to leave their work locations to appear at hearings. Attendance at these hearings will disrupt the day to day operations of the DMV through staff depletion. Delays in or continuances of the proceedings will further impair the productivity of staff members and the business units from which those staff members come.
- **APPEALS-** DMV hearing officers issue final decisions in contested cases. Under the current structure, they are designated by the commissioner of motor vehicles and therefore the DMV has no opportunity to appeal a decision from one of its hearing officers. Under the proposed legislation, when a final decision is issued by the administrative law adjudicator, an aggrieved agency would have the right to appeal the decision. This would increase the number of appeals that are brought to the Superior Court, and require operators to defend agency appeals of decisions from the administrative law adjudicator. This may serve to merely postpone an operator's license suspension.
- **FISCAL IMPLICATIONS-** In essence, this proposal creates another branch of government. In the current fiscal climate, the costs of starting this Division seem burdensome, particularly when considering the computer interface that will be required between the various agencies and the Division. There are no personnel savings to offset expenses as the legislation contemplates the movement of all current full-time and part-time personnel from the agencies to the Division. There will be no reduction in the numbers of hearings, and therefore, the caseload will require the same staffing in order to meet statutory time requirements. The DMV currently has hearing rooms in geographically diverse areas for which the state pays nothing.
- **LEGAL REPRESENTATION-** Currently, in cases that have an unusual or complex fact patterns, the DMV utilizes two staff attorneys to present the evidence and make legal arguments on behalf of the DMV. These attorneys are employed in the Legal Services Division of the DMV. The DMV does not have the personnel or resources to provide representation for the large volume of cases that would be before an administrative law adjudicator. This would place the agency at a disadvantage in the hearing process.

In summary, the DMV currently has a hearing system in place which functions efficiently and in strict adherence to statutory time limitations. Aggrieved consumers of DMV's business licensees have access to dispute resolution and hearing processes through which they may be made whole in a relatively short period of time. Similarly, licensees who pose a danger on the roads may be removed quickly and still have the opportunity to contest the removal. The DMV is managing the workflow from case entry to conclusion, resulting in a seamless process. It is counterproductive and costly to dismantle a process that is operating successfully.